

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

RICKY J. SANDERS,

Petitioner,

vs.

RICHARD CRUICKSHANK, Warden
Nebraska Penitentiary; and SCOTT R.
FRAKES, Director Nebraska
Department of Correctional Services;

Respondents.

4:17CV3020

**MEMORANDUM
AND ORDER**

This matter is before the court on case management. Petitioner filed a Petition for Writ of Habeas Corpus pursuant to [28 U.S.C. § 2254](#) that was prepared by attorney Gerald L. Soucie. ([Filing No. 1](#).) The petition states, “Pursuant to Neb. R. of Prof. Cond. 3-501(2)(a), this petition for federal habeas corpus was prepared by attorney, Gerald L. Soucie, NE# 16163, 1141 H St., Lincoln, Nebraska 68508.” Petitioner has since filed two motions, with briefs in support, with the assistance of Mr. Soucie. (Filing Nos. [6-7](#), [13-15](#).) The motions state, “Pursuant to Neb. R. of Prof. Cond. 3-501(2)(a), this motion/request was prepared with the assistance of attorney, Gerald L. Soucie, NE# 16163, I 141 H St., Lincoln, Nebraska 68508,” and the briefs have similar disclaimers. Mr. Soucie has not entered an appearance in this matter. Mr. Soucie did not sign any of the pleadings.

Mr. Soucie is herewith advised that this court has not adopted the Nebraska Rules of Professional Conduct nor ethics opinions or codes promulgated by the American Bar Association, but rather applies and enforces federal ethical requirements. *See* NEGenR [1.7](#)(b). Furthermore, Mr. Soucie is herewith warned that preparing important pleadings or briefs in a habeas corpus case for a pro se litigant to file without the entry of Mr. Soucie’s appearance and without Mr.

Soucie's signature on the pleadings may be (1) construed by the undersigned as conduct unbecoming a member of the bar under NEGenR [1.7\(b\)\(2\)](#); and (2) a violation of [Federal Rule of Civil Procedure 11\(a\)](#). *See, e.g., Duran v. Carris*, 238 F.3d 1268, 1272-73 (10th Cir. 2001) (Participation by an attorney in drafting what was otherwise a pro se appellate brief is per se substantial legal assistance, and must be acknowledged by the lawyer's signature on the pleading thus subjecting the lawyer to the rigors of [Fed.R.Civ.P 11\(a\)](#) and obviating the need to give a liberal construction to what would otherwise be a pro se pleading).

IT IS THEREFORE ORDERED that: the clerk's office shall mail a copy of this Memorandum and Order to Petitioner and also mail a copy of this Memorandum and Order to Mr. Soucie at the address provided in his current registration as a member of the bar of this court.

Dated this 30th day of June, 2017.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge